

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TEXAS TRIBUNE, MANO AMIGA, and
CALDWELL/HAYS EXAMINER,

Plaintiffs,

v.

CALDWELL COUNTY, TEXAS,

TREY HICKS, in his official capacity as
Caldwell County Court at Law Judge and
Caldwell County Magistrate,

MATT KIELY, SHANNA CONLEY, ANITA
DELEON, and YVETTE MIRELES, in their
official capacities as Caldwell County Justices
of the Peace and Caldwell County
Magistrates, and

MIKE LANE, in his official capacity as the
Sheriff of Caldwell County,

Defendants.

Civil Action No. 1:23-cv-910-RP

Joint Motion for Extension of Time to Submit Proposed Scheduling Order

TO THE HONORABLE UNITED STATES DISTRICT COURT,

Plaintiffs Texas Tribune, Mano Amiga, and Caldwell/Hays Examiner and Defendants Caldwell County, Texas, Trey Hicks, Matt Kiely, Shanna Conley, Anita DeLeon, Yvette Mireles, and Mike Lane respectfully submit this motion for extension of time to submit a proposed scheduling order pursuant to Federal Rules of Civil Procedure 16(b), 26(f), and Local Rule CV-16. They would respectfully show the Court as follows.

I. BACKGROUND

Pursuant to Local Rule CV-16(c), “the parties shall submit a proposed scheduling order to the court not later than 60 days after any appearance of any defendant.” Prior to submitting a proposed scheduling order, “[t]he parties first shall confer as required by Rule 26(f).” *Id.* Plaintiffs filed their Complaint on August 3, 2023, Dkt. 1. The Caldwell County Defendants filed their Answer on October 13, 2023, Dkt. 17. As such, the parties’ proposed scheduling order was due within 60 days thereafter, on or around December 12, 2023.

On September 27, 2023, Plaintiffs filed a Motion for a Preliminary Injunction, Dkt. 16. On October 30, 2023, Defendants filed a combined Motion to Dismiss and Response to Plaintiffs’ Motion for a Preliminary Injunction, Dkt. 20. Plaintiffs then filed a combined Motion to Dismiss Response and Preliminary Injunction Reply on November 6, 2023, Dkt. 22. Defendants filed a Motion to Dismiss Reply on November 13, 2023, Dkt. 24. The Court held a Preliminary Injunction Hearing on December 12, 2023. Both Defendants’ Motion to Dismiss and Plaintiffs’ Motion for a Preliminary Injunction are now pending decision. The parties request an extension of time until twenty-one (21) days after decision on the motions to confer and file a report, if necessary, and would respectfully show as follows.

II. ARGUMENT

Multiple considerations have delayed the parties’ conference, report, and proposed scheduling order as required by the Federal and Local Rules of Civil Procedure. Good cause exists to support modifying the Court’s deadline under Rule 16(b).

The Court’s decisions on the two pending motions may affect whether a conference, report and proposed scheduling order will be required, as well as a number of matters material to the efficient management of the case, including reasonable timelines, the scope of required proof, and

prospects for resolution of the case. For these reasons, delaying the parties' conference, report, and proposed scheduling order until after resolution of the pending motions will promote "the just, speedy, and inexpensive determination" of this case. Fed. R. Civ. P. 1.

III. CONCLUSION

Because good cause has been shown, the parties request that the deadline to confer and submit a report pursuant to Local Rule CV-16(c) be extended, if required, to twenty-one (21) days after resolution of Defendants' Motion to Dismiss and Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted December 18, 2023,

/s/ Camilla Hsu

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion has been filed with the court's electronic-filing system and therefore served in accordance with the Federal Rules of Civil Procedure.

/s/ Camilla Hsu

Camilla Hsu